

REMARKS

These remarks are responsive to the Office Action mailed June 21, 2011 ("Office Action"). The Office Action has been received and carefully considered. Reconsideration of the current objections/rejections in the present application is also respectfully requested based on the following remarks. Claims 2-8, 12-14, 27-34, 36, and 37 are currently pending in the present application. All of the claims stand rejected. The claims have been amended as indicated above. Claims have been cancelled as indicated above without waiver or disclaimer. No new matter has been added. Reconsideration of the current rejections in the present application is respectfully requested based on the following remarks.¹

Applicants thank the Examiner for the comments regarding the previous response.

Applicants respectfully disagree with the Examiner's position however.

Examiner Interview

Applicants wish to thank Examiner Kirsch and his supervisor, Examiner Stashick, for the courtesies extended during the phone interview conducted on August 22, 2011. In accordance with MPEP § 713.04, Applicants are providing this Interview Summary. The Interview Summary includes the information listed in subsections (A) - (H) of MPEP § 713.04 under corresponding subsections herein.:

- (A) Exhibit. Not applicable.
- (B) Claims Discussed. The claims of record were generally discussed.
- (C) Prior Art. The art cited in the present Office Action was discussed.

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions made by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

(D) Proposed Amendments. Applicants and Examiner discussed proposed amendments to the claims.

(E) Arguments. The arguments presented are those in this response.

(F) Other Pertinent Matters. Not applicable.

(G) Results or Outcome of Interview. No agreement reached.

(H) Interview by Electronic Mail. Not applicable.

The Indefiniteness Rejection Should be Withdrawn

The Office has rejected claims 3-7 and 29-32 under 35 U.S.C. § 112, ¶ 2 as allegedly being indefinite. The Office alleges the claims do not specify which of the two angles differ from zero that are mentioned in claims 2 and 27. Applicants have amended the claims as indicated above to clarify the angle. The angle is the inclination angle or the angle differing from zero and is the same angle in elements (ii) and (iii) of claims 2 and 27. *See also* Figs. 2 and 4b. Applicants respectfully request the withdrawal of the indefiniteness rejection.

The Claims Are Allowable Over Ball

The Office Action rejects claims 2, 3, 5, 8, 10, 12, 14, 27-29, 31, 34-35, and 37 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. Pub. No. 2002/0050493 to Ball et al. (“Ball”). Additionally, the Office Action rejects claims 4, 6-7, 30, 32, and 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ball and claims 13 and 25 as allegedly being unpatentable over Ball in view of U.S. Patent No. 6,082,944 to Bachmann, et al. (“Bachmann”).

An Anticipatory Reference Must Disclose All Claim Limitations As Recited In The Claim

It is well understood that for a proper anticipation rejection, all claim limitations must be taught or suggested by the prior art and the claim elements must be arranged or combined in the same way as recited in the claim . This baseline standard for anticipation under 35 U.S.C. §102, as held by the Federal Circuit in *Net Moneyin v. Verisign*, 88 USPQ2d 1751, 1759 (Fed. Cir. 2008), is:

We thus hold that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.

Furthermore, a “reference must clearly and unequivocally disclose the claimed [invention] or direct those skilled in the art to the [invention] without *any* need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.” *Sanofi-Synthelabo v. Apotex, Inc.*, 89 USPQ2d 1370, 1375 (Fed. Cir. 2008) (emphasis and alterations in original) (quoting *In re Arkley*, 172 USPQ 524 (CCPA 1972)). As such, Applicants respectfully submit that Ball fails to meet this standard and hence fails to anticipate the claimed embodiments.

Independent Claims 2 and 27 Are Not Anticipated by Ball Since Ball Fails to Disclose the Recited Structure

Applicants have amended claims 2 and 27 as indicated above to clarify the lid ring structure and distinguish it from the cited art. Specifically, claim 2 has been amended to recite, *inter alia*, that the flat web extends “directly from a curved bottom portion of the groove.” This amendment is supported at least by Figs. 1-3 of the present specification. Claim 27 has been amended in a similar manner.

Ball fails to disclose this structure. As can be seen in Fig. 12 of Ball that is relied upon by the Office, for example, Ball’s alleged flat web 30 (as alleged by the Office) fails to extend directly from the curved bottom portion of a surrounding groove, but instead extends from a sidewall terminus adjacent to the groove. Ball has no surrounding groove with the surrounding inclined flat web. Accordingly, Ball fails to disclose the recited structure of the claim.

In order to maintain an anticipatory rejection under 35 U.S.C. §102, a reference must teach each and every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 2

USPQ2d 1051, 1053 (Fed. Cir. 1987) (a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” MPEP § 2131 (quoting *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). Therefore, in view of the preceding remarks, the Office has failed to present a *prima facie* case of anticipation for at least independent claim 2. Claim 27, though differing in scope, recites similar limitations to claim 2 and the remarks above are equally applicable to claim 27. Accordingly, Applicants respectfully request the withdrawal of the anticipation rejection for at least claims 2 and 27.

The Dependent Claims Are Allowable Over the Cited Art

Dependent claims 3, 4, 5, 6, 7, 8, 12, 14, 28, 29, 30, 31, 32, 33, 34, and 37 are dependent on either independent claim 2 or 27. As such, these claims include all of the limitations of independent claim 2 or 27. Further, Ball fails to teach or suggest any of the additional recitations of these dependent claims. Regarding claims 13 and 36, the addition of Bachmann fails to cure the deficiencies of Ball as noted above. Accordingly, these claims are allowable for at least the reasons discussed above with respect to independent claims 2 and 27. Additionally, these claims recite additional features which are neither taught nor disclosed by Ball, either alone or in combination.

Applicants respectfully request the withdrawal of the anticipation and obviousness rejections of the dependent claims.

The Claims Are Allowable

Applicants respectfully submit that all pending rejections have been overcome and the withdrawal thereof is respectfully requested. Therefore, Applicants submit that all claims are in a condition for allowance and indication thereof is respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: 9-16-2011

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